



# Stat of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt  
Governor

Robert L. Morgan  
Executive Director

Lowell P. Braxton  
Division Director

1594 West North Temple, Suite 1210  
PO Box 145801  
Salt Lake City, Utah 84114-5801  
(801) 538-5340 telephone  
(801) 359-3940 fax  
(801) 538-7223 TTY  
[www.nr.utah.gov](http://www.nr.utah.gov)

January 23, 2003

Tony Christofferson  
H.E. Davis Construction, Inc.  
P.O. Box 538  
Orem, Utah 84059

Re: Public Protests to Notice of Tentative Approval to Commence Large Mining Operations,  
H.E. Davis Construction, Inc., Levan Gypsum Mine, M/023/016, Juab County, Utah

Dear Mr. Christopherson:

This letter is provided in response to our receipt of formal written objections to the Division's Notice of Tentative Approval that were received during the 30-day public comment period. The original notice was published on December 13, 2002 and the public comment period expired January 13, 2003.

We have forwarded all of the public comments to you as we received them. With the attached notice from the Manti-La Sal Supervisor's Office, you should have a complete set of all comments received by our office that object to the Division's Notice of Tentative Approval decision for H.E. Davis Construction, Inc.'s, proposed expansion of the Levan Gypsum Mine, located in Juab County, Utah. This letter is to provide you with notice that the Division's tentative approval process will be temporarily suspended based upon receipt of these public comments.

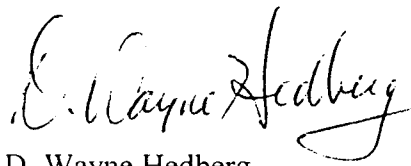
We have performed a preliminary assessment of the comments and have determined that many are substantive and deserving of our consideration and resolution. Therefore, we propose scheduling an informal meeting with you and/or other company representatives and appropriate regulatory personnel within the next week to 10 days at the Division offices to discuss possible solutions to the concerns.

**Please be advised that you are not authorized to proceed with the proposed mine expansion until you receive final written approval from this Division, and all other pertinent regulatory agencies having jurisdiction over the proposed project.**

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Tony Christofferson  
M/023/016  
January 23, 2003

Thank you for your cooperation and patience in working together to complete this permitting process. Please contact me at (801) 538-5286, or Tom Munson at 538-5321 at your earliest convenience to schedule a convenient date and time to discuss possible resolutions to these issues and concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Wayne Hedberg". The signature is fluid and cursive, with the first name "D." and last name "Hedberg" clearly distinguishable.

D. Wayne Hedberg  
Permit Supervisor  
Minerals Regulatory Program

jb  
Enclosure  
cc : Robert Shepard, Mayor of Levan  
Elaine Ziereoth, USFS, Manti LaSal Natl. Forest  
O:\M023-Juab\m023016-LevanGypsum\final\PublicProtests.doc



United States  
Department of  
Agriculture

Fore  
Service

Manti-La Sal  
National Forest

Supervisor's Office  
399 West Price River Drive  
Price, UT 84501  
Phone # (435) 637-2817  
Fax # (435) 637-4940

File Code: 2810

Date: January 9, 2003

Tony Christofferson  
Property/Environmental Manager  
H.E. Davis Construction, Inc.  
525 West Arrowhead Trail  
Spanish Fork, UT 84639

**CERTIFIED MAIL – RETURN  
RECEIPT REQUESTED**

Dear Mr. Christofferson:

This letter is to advise you that even though DOGM (Utah Division of Oil, Gas and Mining) tentatively approved your Notice of Intent to Commence Large Mining Operations for expansion of the Levan Gypsum Mine on December 9, 2002, you are not authorized to expand mining operations on National Forest System lands until you have satisfied requirements of Federal Regulations 36 CFR 228A.

In order for us to proceed with a review of your mining proposal, several steps need to be taken regarding the proposed expansion on National Forest System lands:

- A revised Plan of Operation must be submitted to the Manti-La Sal National Forest consistent with the requirements of 36 CFR 228A. Your current Plan of Operation dates back to 1993 when the mine was under the ownership of Steele-Dansie, and is no longer adequate to cover your proposed mining actions.
- As explained in Thomas Shore's letter of April 13, 2000 (copy enclosed), an environmental analysis needs to be conducted by the Forest Service upon receipt of a revised Plan of Operations. This would likely require 9 to 12-months for completion.
- Additional bonding as determined by the Forest Service may be required to cover existing and proposed operations on National Forest System lands. We will cooperate with the State of Utah to assure that you are not bonded twice for the same work. The current bond posted with the Forest Service is in the name of Geneva Rock and must be replaced by a bond in the name of H.E. Davis Construction, Inc.



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Tony Christofferson

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If you have any questions regarding the Forest Service requirements or approved forms for Plans of Operations on National Forest System lands, please contact Brian McClelland at 435-636-3588.

Sincerely,

A handwritten signature in cursive script, appearing to read "Elaine J. Zieroth".

ELAINE J. ZIEROTH  
Forest Supervisor

Enclosure

cc:

Lowell Braxton, UDOGM

D-1

Tom Lloyd, D-2/3



United States  
Department of  
Agriculture

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Service

Manti-La Sal  
National Forest

Supervisor's Office  
99 West Price River Drive  
Price, UT 84501  
Phone # (435) 637-2817  
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File Code: 2810

Date: January 9, 2003

Lowell Braxton  
Director  
Utah Division of Oil, Gas, and Mining  
1594 West North Temple  
Suite 1210, P.O. Box 145801  
Salt Lake City, UT 84114-5801

Dear Lowell:

We received a copy of the "Notice of Tentative Decision to Approve" issued by DOGM by letter dated December 9, 2002, in regard to the Levan Gypsum Mine operated by H. E. Davis Construction, Inc.

H.E. Davis Construction, Inc. has not submitted a revised Plan of Operations to the Forest Service addressing expansion of the mine on National Forest System lands as proposed in the LMO (Large Mining Operation) application submitted to your office. We have notified the operator (letter enclosed) that no expansion on National Forest System lands may begin until such time as a Plan of Operations has been approved in accordance with Federal Regulations 36 CFR 228A. We request that any approval issued by your office be issued contingent upon Federal authorization to occupy National Forest System lands.

Upon receipt of a revised Plan of Operations we will conduct an analysis of impacts associated with the proposed mining actions. Additionally, we will identify a minimum bond amount to ensure reclamation of National Forest System lands at that time. We will review the current bond held by the Forest Service and the recent bond submitted to the Division for the LMO to determine if our bonding needs are adequately covered. We intend to ensure the bonded amount is adequate to cover reclamation of operations while not double-bonding provided in the Memorandum of Understanding between the Utah Division of Oil, Gas and Mining and the USDA Forest Service, Region 4 and the USDI Bureau of Land Management, State of Utah Concerning Regulation of Minerals Mining and Reclamation, 1989.

We will coordinate with your office regarding plan review and bonding. If you have any questions, please contact Brian McClelland at 435-636-3588.

Sincerely,

ELAINE J. ZIEROTH  
Forest Supervisor

Enclosure

cc:  
D-1  
D-2/3, Tom Lloyd

RECEIVED

JAN 13 2003 11/13/03

DIV. OF OIL, GAS & MINING



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